



Reprinted  
January 31, 2006

## HOUSE BILL No. 1117

DIGEST OF HB 1117 (Updated January 30, 2006 5:12 pm - DI 69)

**Citations Affected:** IC 9-13; IC 13-20; IC 13-21; IC 13-22; IC 36-9.

**Synopsis:** Environmental law. Eliminates the interagency groundwater task force and the municipal waste collection and transportation vehicle registration program operated by the department of environmental management. Changes reporting requirements for a person transporting solid waste in a vehicle to a final disposal facility in Indiana for disposal. Makes it permissive rather than mandatory for the solid waste management board to adopt rules imposing a fee on the disposal or incineration in a final disposal facility in Indiana of solid waste generated outside Indiana. Provides that if a person enters into a contract with a consolidated city to accept the consolidated city's solid waste at a waste facility, the person may not be considered to be operating the facility. Allows the board of a solid waste management district to impose a district final disposal fee of not more than \$6 a ton at a landfill that is: (1) located in a county that does not zone; and (2) permitted after January 1, 2006. Requires a person to establish financial responsibility for a solid waste landfill that must be the greater of: (1) \$30,000 for each acre or part of an acre covered by a solid waste landfill that is located in a county that does not zone and is permitted after January 1, 2006; or (2) an amount determined by the commissioner of the department of environmental management.

**Effective:** July 1, 2006.

**Wolkins, Mahern**

January 5, 2006, read first time and referred to Committee on Environmental Affairs.  
January 24, 2006, amended, reported — Do Pass.  
January 30, 2006, read second time, amended, ordered engrossed.

HB 1117—LS 6633/DI 52+



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January 31, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE BILL No. 1117

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A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-13-2-110.5 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 110.5. (a) "Municipal  
3       waste collection and transportation vehicle" ~~has the meaning set forth~~  
4       ~~in IC 13-11-2-134.~~ **means a truck used to transport municipal waste**  
5       **(as defined in IC 13-11-2-133) from a solid waste generator or a**  
6       **solid waste processing facility (as defined in IC 13-11-2-212) to a:**

7               (1) **solid waste processing facility (as defined in**  
8               **IC 13-11-2-212) in Indiana; or**

9               (2) **solid waste disposal facility (as defined in IC 13-11-2-206)**  
10              **in Indiana.**

11       (b) The term does not include a ~~railroad car (as defined in~~  
12       ~~IC 13-11-2-178):~~ **vehicle that is:**

13              (1) **used to transport municipal waste (as defined in**  
14              **IC 13-11-2-133) from a residence if the vehicle is:**

15                      (A) **owned;**

16                      (B) **leased; or**

17                      (C) **operated;**

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by an individual who lives in the residence; or

(2) not used for commercial solid waste transportation.

SECTION 2. IC 13-20-4-7, AS AMENDED BY P.L.154-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) This section applies to the transportation of municipal waste from solid waste processing facilities.

(b) A shipment of municipal waste in a municipal waste collection and transportation vehicle must be accompanied by a municipal waste transportation manifest.

(c) A manifest required under subsection (b) must include the following information:

(1) The amount in tons of municipal waste transported in the vehicle.

(2) The name and address of the solid waste processing facility from which the municipal waste is transported.

(3) The destination of the municipal waste.

(4) The name of the person transporting the municipal waste.

(d) The owner or operator of the solid waste processing facility from which municipal waste is to be transported shall:

(1) prepare the manifest required by subsection (b); and

(2) deliver the manifest to the operator of the vehicle.

(e) The operator of the vehicle shall:

(1) carry the manifest while transporting the municipal waste; and

(2) present the manifest to the owner or operator of the facility to which the municipal waste is transported.

(f) The owner or operator of the facility to which the municipal waste is transported shall:

(1) retain each manifest for one (1) year; and

(2) ~~send one (1) copy of~~ **make** each manifest **retained under subdivision (1) available on request** to the department. ~~not later than three (3) months after receiving a manifest for at least one (1) year.~~

SECTION 3. IC 13-20-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. A solid waste disposal facility or a solid waste processing facility may not accept a shipment of municipal waste

~~(1) from a municipal waste collection and transportation vehicle that does not have vehicle identification stickers properly affixed as required by section 6 of this chapter; and~~

~~(2) that is not accompanied by a municipal waste transportation manifest as required by section 7 of this chapter.~~

SECTION 4. IC 13-20-5-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Upon transporting solid waste in a vehicle to a final disposal facility in Indiana for disposal, the operator of the vehicle shall ~~present~~ **identify** to the owner or operator of the facility the following:

(1) ~~A written statement that the owner or operator shall retain for one (1) year; in which the vehicle operator certifies, under oath or affirmation and subject to the penalty for perjury under IC 35-44-2-1, the:~~

(A) county in Indiana; or

(B) state, if a state other than Indiana;

in which the largest part of the solid waste was generated:

(2) If the largest part of the solid waste was generated in a state other than Indiana; a document in which an officer of a state or local government who has responsibility in the other state for the protection of public health or the environment certifies that the part of the solid waste generated in that state is not subject to regulation as:

(A) hazardous waste under the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

(B) infectious waste under IC 16-41-16.

**origin of the solid waste by:**

(1) county and state, if the solid waste originated in the United States; or

(2) country, if the solid waste originated outside the United States.

SECTION 5. IC 13-20-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. If the operator of a vehicle does not ~~present a written statement~~ **identify** to the owner or operator of a final disposal facility **the origin of the solid waste** as required by ~~section 2(1)~~ **section 2** of this chapter, the owner or operator may not permit the disposal in the final disposal facility of the solid waste transported in the operator's vehicle.

SECTION 6. IC 13-20-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. For purposes of the collection of fees under IC 13-20-22, the county ~~or~~ **and** state identified ~~in the written statement presented to the owner or operator of the facility~~ under section 2(1) of this chapter with respect to a quantity of solid waste transported in a vehicle is considered the county ~~or~~ **and** state in which the entire quantity of solid waste was generated.

SECTION 7. IC 13-20-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Unless the legislative body of a county having a consolidated city elects by

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ordinance to participate in the rules, ordinances, and governmental structures enacted or created under this chapter, the collection of fees on the disposal of solid waste in a final disposal facility located in that county are exempt until December 2, 2008, from regulation or control under this chapter.

(b) A fee is imposed on the disposal or incineration of solid waste in a final disposal facility in Indiana. Except as provided in section 14 of this chapter, the amount of the fee is as follows:

(1) For solid waste generated in Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds, fifty cents (\$0.50) a ton.

(2) For solid waste generated outside Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds:

(A) fifty cents (\$0.50) a ton; and

(B) if the solid waste management board has adopted rules under subsection (c), an additional amount imposed under the rules.

(3) For solid waste generated in Indiana or outside Indiana and delivered to a final disposal facility in:

(A) a motor vehicle having a registered gross vehicle weight of not more than nine thousand (9,000) pounds; or

(B) a passenger motor vehicle (as defined in IC 9-13-2-123); fifty cents (\$0.50) for each load delivered by the motor vehicle.

(c) The solid waste management board ~~shall~~ **may** adopt rules to establish and impose a fee on the disposal or incineration of solid waste that is:

(1) generated outside Indiana; and

(2) disposed of or incinerated in a final disposal facility in Indiana.

**If rules are adopted under this subsection**, the fee shall be set at an amount necessary to offset the costs incurred by the state or a county, municipality, or township that can be attributed to the importation of the solid waste into Indiana and the presence of the solid waste in Indiana.

(d) Revenue from fees collected under subsection (b)(1) and (b)(2)(A) shall be deposited in the state solid waste management fund established by section 2 of this chapter. Revenue from fees collected under subsection (b)(2)(B) shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1, except that any part of the revenue that the board finds is necessary to offset costs

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1 incurred by counties, municipalities, and townships shall be distributed  
2 to solid waste management districts pro rata on the basis of the district's  
3 population.

4 (e) If solid waste has been subject to a fee under this section, the  
5 total amount of the fee paid shall be credited against any other fee to  
6 which the solid waste may later be subject under this section.

7 (f) A fee may not be imposed upon material used as alternate daily  
8 cover pursuant to a permit issued by the department under 329  
9 IAC 10-20-13.

10 SECTION 8. IC 13-21-13-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A board may  
12 impose fees on the disposal of solid waste in a final disposal facility  
13 located within the district. A fee imposed by a board in a county with  
14 a population of more than one hundred ten thousand (110,000) but less  
15 than one hundred fifteen thousand (115,000) under this section may not  
16 exceed two dollars and fifty cents (\$2.50) a ton. **A fee imposed by a  
17 board may not exceed six dollars (\$6) a ton at a landfill that is  
18 located in a county that does not zone under IC 36-7-4 and is  
19 permitted after January 1, 2006.** A fee imposed by a board in other  
20 counties under this section may not exceed:

- 21 (1) two dollars and fifty cents (\$2.50) a ton; or
- 22 (2) the amount of a fee imposed by the board;
- 23 (A) under this section; and
- 24 (B) in effect on January 1, 1993;

25 whichever is greater.

26 (b) The board shall do the following:

- 27 (1) Set the amount of fees imposed under this section after a  
28 public hearing.
- 29 (2) Give public notice of the hearing.

30 (c) If solid waste has been subject to a district fee under this section,  
31 the total amount of the fee that was paid shall be credited against a  
32 district fee to which the solid waste may later be subject under this  
33 section.

34 (d) Except as provided in section 4 of this chapter, fees imposed  
35 under this chapter shall be imposed uniformly on public facilities and  
36 on privately owned or operated facilities throughout the district.

37 (e) A resolution adopted by a board that establishes fees under this  
38 chapter may contain a provision that authorizes the board to impose a  
39 penalty of not more than five hundred dollars (\$500) per day because  
40 of:

- 41 (1) nonpayment of fees; or
- 42 (2) noncompliance with a condition in the resolution.

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(f) A board may not impose fees for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 9. IC 13-22-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The amount of financial responsibility a person must establish under section 1 of this chapter for a hazardous waste landfill or a solid waste landfill must:

(1) be the greater of:

(A) fifteen thousand dollars (\$15,000) for each acre or part of an acre covered by the hazardous waste landfill or solid waste landfill **or thirty thousand dollars (\$30,000) for each acre or part of an acre covered by a solid waste landfill that is:**

**(i) located in a county that does not zone under IC 36-7-4; and**

**(ii) permitted after January 1, 2006; or**

(B) an amount determined by the commissioner that is sufficient to close the hazardous waste landfill or solid waste landfill in a manner that:

(i) minimizes the need for further maintenance; and

(ii) provides reasonable, foreseeable, and necessary maintenance during postclosure; and

(2) provide assurance of proper postclosure maintenance and monitoring for at least thirty (30) years after the hazardous waste landfill or solid waste landfill has ceased operations.

SECTION 10. IC 36-9-31-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. Any facility owned, operated, or financed under this chapter shall accept waste accumulated within the waste disposal district without discrimination as to whether or not the waste is collected by the city. The fees made by any such facility for any services rendered or to be rendered, either directly or in connection with them, must be nondiscriminatory, but they may vary based upon the volume, weight, hazardousness, or difficulty of disposal of the waste disposed of or processed by the facility. **If a person enters into a contract with the consolidated city to accept the consolidated city's waste at a facility, the person may not be considered to be operating the facility for purposes of this section.**

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 13-11-2-134; IC 13-11-2-230; IC 13-18-17-1; IC 13-20-4-2; IC 13-20-4-3; IC 13-20-4-4; IC 13-20-4-5; IC 13-20-4-6; IC 13-20-4-9; IC 13-20-4-13; IC 13-20-4-14; IC 13-20-4-15; IC 13-20-5-4; IC 13-20-5-6; IC 13-20-5-7.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 8. IC 36-9-31-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. Any facility owned, operated, or financed under this chapter shall accept waste accumulated within the waste disposal district without discrimination as to whether or not the waste is collected by the city. The fees made by any such facility for any services rendered or to be rendered, either directly or in connection with them, must be nondiscriminatory, but they may vary based upon the volume, weight, hazardousness, or difficulty of disposal of the waste disposed of or processed by the facility. **If a person enters into a contract with the consolidated city to accept the consolidated city's waste at a facility, the person may not be considered to be operating the facility for purposes of this section.**".

Page 5, line 13, delete "IC 13-20-4-10;".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1117 as introduced.)

WOLKINS, Chair

Committee Vote: yeas 9, nays 0.

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1117 be amended to read as follows:

Page 5, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 8. IC 13-21-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A board may impose fees on the disposal of solid waste in a final disposal facility located within the district. A fee imposed by a board in a county with a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000) under this section may not exceed two dollars and fifty cents (\$2.50) a ton. **A fee imposed by a**

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**board may not exceed six dollars (\$6) a ton at a landfill that is located in a county that does not zone under IC 36-7-4 and is permitted after January 1, 2006.** A fee imposed by a board in other counties under this section may not exceed:

- (1) two dollars and fifty cents (\$2.50) a ton; or
- (2) the amount of a fee imposed by the board;
  - (A) under this section; and
  - (B) in effect on January 1, 1993;

whichever is greater.

(b) The board shall do the following:

- (1) Set the amount of fees imposed under this section after a public hearing.
- (2) Give public notice of the hearing.

(c) If solid waste has been subject to a district fee under this section, the total amount of the fee that was paid shall be credited against a district fee to which the solid waste may later be subject under this section.

(d) Except as provided in section 4 of this chapter, fees imposed under this chapter shall be imposed uniformly on public facilities and on privately owned or operated facilities throughout the district.

(e) A resolution adopted by a board that establishes fees under this chapter may contain a provision that authorizes the board to impose a penalty of not more than five hundred dollars (\$500) per day because of:

- (1) nonpayment of fees; or
- (2) noncompliance with a condition in the resolution.

(f) A board may not impose fees for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 9. IC 13-22-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The amount of financial responsibility a person must establish under section 1 of this chapter for a hazardous waste landfill or a solid waste landfill must:

- (1) be the greater of:
  - (A) fifteen thousand dollars (\$15,000) for each acre or part of an acre covered by the hazardous waste landfill or solid waste landfill **or thirty thousand dollars (\$30,000) for each acre or part of an acre covered by a solid waste landfill that is:**
    - (i) located in a county that does not zone under IC 36-7-4; and**
    - (ii) permitted after January 1, 2006; or**
  - (B) an amount determined by the commissioner that is

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sufficient to close the hazardous waste landfill or solid waste landfill in a manner that:

- (i) minimizes the need for further maintenance; and
- (ii) provides reasonable, foreseeable, and necessary maintenance during postclosure; and
- (2) provide assurance of proper postclosure maintenance and monitoring for at least thirty (30) years after the hazardous waste landfill or solid waste landfill has ceased operations."

Renumber all SECTIONS consecutively.

(Reference is to HB 1117 as printed January 25, 2006.)

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